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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,667	10/10/2001	Carl Merrill	NIH151.001C1	1396

7590 11/03/2003

Nancy W. Vensko  
KNOBBE MARTENS OLSON & BEAR, LLP  
620 Newport Center Drive 16th Floor  
Newport Beach, CA 92660

EXAMINER
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WHISENANT, ETHAN C

ART UNIT	PAPER NUMBER
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1634

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/976,667		MERRIL, CARL	
	<b>Examiner</b>		<b>Art Unit</b>	
	Ethan Whisenant, Ph.D.		1634	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Ethan Whisenant, Ph.D. (3) Nancy Vensko.  
 (2) Carl Merrill, M.D. (4) \_\_\_\_\_

Date of Interview: 16 October 2003.

Type: a) ☐ Telephonic b) ☐ Video Conference  
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Pages from the spec.

Claim(s) discussed: Pending with special emphasis on Claim 3 and 23.

Identification of prior art discussed: previously cited prior art.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



**ETHAN WHISENANT  
PRIMARY EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant explained the invention emphasizing the differences between their invention and the prior art. The main difference being that in the applicant's invention the phage are replicated in situ and not removed from the ligand before replication occurs. The applicant suggested some claim amendments which the examiner believed would overcome the prior art rejections in which the amendment make explicit that which was implicit in Claim 23. The applicant agreed to present these amendments in their amendment due before the end of DEC 03 and to argue why therein these new limitations make the claims allowable over the prior art of record. .

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390 11-19-2003  
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